



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,648	12/08/2003	Dale E. Redford	18525-0768	2984
36943 7590 01/23/2009 PHILIP G. MEYERS LAW OFFICE 1009 LONG PRAIRIE ROAD, SUITE 300 FLOWER MOUND, TX 75022				
EXAMINER				
KOEHLER, CHRISTOPHER M				
ART UNIT		PAPER NUMBER		
3726				
MAIL DATE		DELIVERY MODE		
01/23/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/730,648

**Applicant(s)**

REDFORD ET AL.

**Examiner**

Christopher M. Koehler

**Art Unit**

3726

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 21-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 21-23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA see Background) in view of Villachica (US Patent No. 5,472,097) and further in view of Grahn et al. (US Patent No. 3,889,442).

#### Claims 1 and 22:

AAPA teaches a method of preparing flat articles for sorting comprising receiving a bundle of flat items to be sorted, wherein the bundle is wrapped with a flexible film such that the film forms an enclosed package of stacked flat items; manually removing the cut film from the flat items; and manually stacking the unbundled flat items in a cartridge positioned in proximity thereto (background lines 16-23). AAPA does not explicitly teach an elevated holding bin, a work table or sliding the bundle along a chute from the holding bin to the horizontal work surface of the work table.

Villachica teaches a method of preparing flat articles for sorting (abstract) comprising receiving flat items to be sorted into a holding bin (not shown) which

Art Unit: 3726

is elevated (at 16; see col. 6, lines 1-9) relative to a work table (24) and sliding the flat articles along a chute (14) to the horizontal work surface. It would have been obvious to one of ordinary skill in the art at the time of the invention to have applied the bin, chute, sorting table arrangement of Villachica to the manual unbundling process of AAPA in order to ergonomically and efficiently transfer a plurality of bundled packages to an operator.

AAPA/Villachica teaches the structure above but does not explicitly teach manually moving the wrapped bundle adjacent an automated film slitter and repeating as needed.

Grahn teaches a method of unbundling bundled items comprising a work table (18) whereupon an operator moves the bundled article (1) adjacent at least one automated film slitter (20) mounted along one side of the horizontal work surface (18), wherein the film slitter is automatically activated when the bundle is moved adjacent the film slitter and repeating the manual moving step as needed to remove the wrapping. It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated an automatic film slitter of the type disclosed in Grahn to the previously completely manual method of AAPA/Villachica in order to more ergonomically and efficiently cut the wrapping from the bundled article without as much manual intervention.

Claim 2:

AAPA teaches that the bundle is packaged using flexible straps which are manually removed with a clipper mounted adjacent the working area (background).

Art Unit: 3726

Claims 3 and 25:

Grahn teaches that a first film slitter is positioned opposite to a second film slitter which simultaneously cut the film on at least two sides of the bundle but does not explicitly teach that the slitters are arranged at 90 degrees relative to one another. At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have used 90 degree slitters because applicant has not disclosed that such an orientation provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either the opposing slitters taught by Grahn or the claimed 90 degree slitters because either performs the same function of slitting the film equally well. Therefore, it would have been an obvious matter of design choice to modify AAPA/Villachica/Grahn to obtain the invention specified in claims 3 and 25.

Claims 5 and 27:

Grahn teaches that the horizontal work surface (18) is a substantially frictionless work surface due to the rollers (19).

Claims 21 and 23:

AAPA teaches that the flat items are mail pieces and that they are edged against the walls of a container (or cartridge) for transport (background).

3. Claims 4 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Villachica/Grahn in view of Weder (US 2002/0160897).

Claims 4 and 26:

AAPA/Villachica/Grahn teaches that the film slitter is a blade and not an air slitter. Weder teaches slitting plastic material by air jet cutting. It would have been obvious to one of ordinary skill in the art to apply the air jet cutting of Weder to the method of AAPA/Villachica/Grahn in order to provide a slitting means that will not dull with repeated use nor damage the flat items within the film wrapped bundle.

4. Claims 6, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Villachica/Grahn in view of Bretschneider et al (US 2005/0045531).

Claims 6, 24 and 28:

AAPA/Villachica/Grahn teaches that the flat items are stacked in a container but does not discuss the structure thereof. Bretschneider teaches a cartridge (5) that is supported in a self-adjusting lift, the lift adjusting the elevation of the cartridge such that the top of the stack of flat items is maintained adjacent the work surface (figure 1) and placing the cartridges on carts (7) for transport. It would have been obvious to one of ordinary skill in the art at the time of invention to apply the cartridge teachings of Bretschneider to the method of AAPA in order to provide an ergonomically efficient means of transporting the flat items on carts to the automated sorter.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-6 and 21-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571)272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3726

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. M. K./  
Examiner, Art Unit 3726

/DAVID P. BRYANT/  
Supervisory Patent Examiner, Art Unit 3726